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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,002	07/09/2003	Chin-Kuang Luo	SIS.0155US (PE-24015-AM)	1035
21906	7590	07/07/2004	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			DOERRLER, WILLIAM CHARLES	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,002

Applicant(s)

LUO, CHIN-KUANG

Examiner

William Doerfler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Foreign Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilado (U.S. 4,485,636) in view of Anderson et al. (U.S. 4,779,831).

Hilado teaches a thermal cup 10 including a hollow cup member made of a thermally conductive material and having an open mouth and a closed bottom, said cup member including an inner surrounding wall 12 that confines a receiving space 26 communicated with said open mouth and adapted to receive a body therein, an outer surrounding wall 14 that cooperates with said inner surrounding wall 12 to confine vacuum sealed chamber 24 therebetween, and a thermally conductive material disposed in said vacuum sealed chamber 24.

While Hilado teaches most of the limitations of the claims, including the thermal cup, he does not explicitly teach the means of mounting the thermal cup on a housing adjacent to a vent of an air conditioning system. Anderson et al. teaches an air

conditioning system, comprising of a cup support 10 mounted on said housing 8 adjacent to said vent 12, said cup support 10 holding a cup adjacent to said vent 12 such that temperature-conditioned air currents discharged through said vent 12 reach the cup; whereby the temperature of the body received in said receiving space can be controlled by thermal convection. In addition, Anderson discloses an air conditioning system, comprising a cup support 10 mounted fixedly on said housing 8 below said vent 12 and a cup support 10 mounted removably on said housing 8 at said vent 12. Anderson teaches the use of a Velcro fastener that can be attached anywhere along the housing 8 to allow the holder to be taken off and reattached to the housing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the thermal cup adjacent to the air conditioner, as taught by Anderson et al. in the Hilado invention, in order to advantageously utilize the air conditioning system to cool down the beverage in the container.

4. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilado (U.S. 4,485,636) in view of Anderson et al. as applied to claim 1 and 5 above, and further in view of Felde et al. (6,155,063).

While Hilado, as modified, teaches most of the limitations of the claims, including the thermal cup, he does not explicitly teach the means of including a lid member used to close the mouth of the cup. Felde et al teaches the method of using a cover or lid member to close the open mouth of the thermal cup. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to use a cover or lid

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member, as taught by Felde et al. in the Hilado invention, in order to prevent the contents inside the cup from spilling.

5. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilado (U.S. 4,485,636) in view of Anderson et al. (U.S. 4,779,831).

Hilado teaches a method of utilizing a thermal cup 10 that includes a hollow cup member made of a thermally conductive material and having an open mouth and a closed bottom, said cup member including an inner surrounding wall 12 that confines a receiving space 26 communicated with said open mouth and adapted to receive a body therein, an outer surrounding wall 14 that cooperates with said inner surrounding wall 12 to confine vacuum sealed chamber 24 therebetween, and a thermally conductive material disposed in said vacuum sealed chamber 24; disposing body in receiving space 26.

While Hilado teaches most of the limitations of the claims of a method of controlling the temperature of the body, he does not explicitly teach the means of holding the thermal cup on a housing adjacent to a vent of an air conditioning system. Anderson et al. teaches a method of holding the cup adjacent to a vent 12 in a housing 8 of an air conditioning apparatus such that temperature-conditioned air currents discharged by the air conditioning apparatus through the vent 12 reach the thermal cup; whereby the temperature of the body received in said receiving space can be controlled by thermal convection. In addition, Anderson discloses a method of using a cup support 10 on the housing 8 of the air conditioning apparatus adjacent to the vent 12, and disposing the cup together with the body on the cup support 10. Lastly, Anderson

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teaches the use of the invention in providing a holder for beverage containers of varied diameters that can include a beverage can as well as a food can.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kutzner (US 2002/0179282 A1) teaches a beverage cup holder for cooling and heating the contents in the cup by using the vehicle air conditioning system.
- Toida (6,367,652) teach an insulated cup holder having a double wall insulating vessel.
- Muenchen (1,721,311) teach a refrigerating vessel having a double wall separated by an evacuated space.
- Hodgetts (4,653,289) teach a ventilator-mounted receptacle that can hold food and drink as well as the means to be mounted adjacent to an air conditioner ventilator.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Doerrler whose telephone number is 703-308-0696. The examiner can normally be reached on Monday-Friday, 6:30 – 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "William C. Davis". The signature is written in a cursive, flowing style with a large initial "W".